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MINISTRY OF LAW
(Legislative Department)

New Delhi, the 13th July, 1962/Asadha 22, 1884 (Saka)

THE DAMAN (ABOLITION OF PROPRIETORSHIP OF VILLAGES) REGULATION, 1962

No. 7 OF 1962

Promulgated by the President in the Thirteenth Year of the
Republic of India.

A Regulation to provide for the abolition of proprietorship
of villages in the Daman district in the Union territory of Goa,
Daman and Diu and for matters connected therewith.

In exercise of the powers conferred by clause (1) of article 240
of the Constitution, the President is pleased to promulgate the
following Regulation made by him:—

1. (1) This Regulation may be called the Daman (Abolition of Proprietorship of Villages) Regulation, 1962. Short title,
extent and
commence-
ment.

(2) It extends to the whole of the district of Daman in the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Regulation, unless the context otherwise requires,— Definitions.

(a) "Administrator" means the Administrator of the Union territory of Goa, Daman and Diu;

(b) "appointed date" means the date on which this Regulation comes into force;

(c) "Collector" means the Collector of Daman;

(d) "to cultivate personally" means to cultivate on one's own account,—

(i) by one's own labour, or

(ii) by the labour of any member of one's family, or

(iii) by servant on wages payable in cash or kind but not in crop share or by hired labour under one's personal supervision or the personal supervision of any member of one's family;

Explanation.—For the purposes of this clause,—

(i) a widow or a minor or a person who is subject to any physical or mental disability shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour;

(ii) in the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally if it is cultivated by any member of such family;

(e) "cultivation" means the use of lands for the purpose of agriculture or horticulture;

(f) "cultivating tenant" means a person who cultivates personally any land belonging to another under an agreement, express or implied, and pays rent therefor in cash or in kind or delivers a share of the produce;

(g) "land" means every class or category of land and includes—

(i) benefits to arise out of such land, and

(ii) things attached to earth or permanently fixed to anything attached to earth;

(h) "proprietor" means a person who holds any village or villages granted to him or any of his predecessors-in-interest by the former Portuguese Government by way of gift, sale or otherwise and includes his co-sharers;

(i) "prescribed" means prescribed by rules made under this Regulation.

Abolition of
proprietary
rights.

3. Notwithstanding anything contained in any contract, grant or other document or in any law for the time being in force, on and from the appointed date,—

(i) all rights, title and interest of every proprietor in or in respect of all lands in his village or villages shall be deemed to have been extinguished; and

(ii) all such rights, title and interest shall stand transferred to and vest in the Central Government free from all encumbrances, and every mortgage, debt or charge on any such right, title and interest shall be a charge on the amount of compensation payable to such proprietor under this Regulation;

(iii) where under any agreement or contract made before the appointed date any rent or other dues for any period after the said date has been paid to or compounded or released by a proprietor, the same shall, notwithstanding such agreement or contract, be recoverable from the proprietor and may, without prejudice to any other mode of recovery, be realised by deduction from the compensation payable to the proprietor under this Regulation.

4. Notwithstanding anything contained in section 3, a proprietor shall, subject to the provisions of sections 6 to 8, be entitled to retain with effect from the appointed date,—

Rights of proprietor to certain lands.

(a) homesteads, buildings and structures together with lands appurtenant thereto in the occupation of the proprietor;

(b) lands under the personal cultivation of the proprietor, not being pasture or grass lands.

5. (1) The Collector shall take charge of all lands and of all rights, title and interest therein of a proprietor vested in the Government under section 3, and for this purpose, the Collector or any officer authorised by him may take such steps or use such force as may be necessary.

Collector to take charge of lands, etc., vested in Government.

(2) Nothing in this section shall be deemed to authorise the Collector to take possession of any land or of any right of proprietor which may be retained by him under section 4.

6. (1) All lands in villages, the rights, title and interest in which have vested in the Government under section 3 shall, with effect on and from the appointed date, be liable to the payment of land revenue to the Government in accordance with revenue survey and settlement of land revenue:

Liability of lands for payment of land revenue from the appointed date.

Provided that until revenue survey and settlement of land revenue of such lands are made, the land revenue payable in respect of such lands shall,—

(i) in any case where any such land is held for the purpose of cultivation by a cultivating tenant, be one-third of the rent, or where the rent is in kind, the cash equivalent (which shall be determined as hereinafter provided) of one-third of the rent, payable by the cultivating tenant to the proprietor immediately before the 20th December, 1961;

(ii) in the case of any other land, be calculated at such rate or rates as the Collector may fix having regard to the rent payable immediately before the 20th December, 1961, for such or similar land.

(2) For the purposes of clause (i) of the proviso to sub-section (1), the Collector shall publish in the Official Gazette on the 1st January of each year the price of paddy or other crop which shall be adopted for determining the cash equivalent of the rent payable.

(3) If any person makes default in the payment of land revenue, it shall be recovered—

(a) by serving a written notice of demand on such person,

(b) by distraint and sale of the movable property of such person,

(c) by sale of the immovable property of such person, or

(d) by forfeiture of the land in respect of which the land revenue is due,

in accordance with such rules as may be made in this behalf.

Rights of certain cultivating tenants to be restored to possession of their lands.

7. (1) Any cultivating tenant who had been evicted from any land after the 1st April, 1954, being land which a proprietor was personally cultivating on the 20th December, 1961, may, on or before the 31st December, 1962, make an application to the Mamlatdar for restoration of such land on the ground that he was evicted from such land without any reasonable excuse.

(2) On receipt of such application, the Mamlatdar may make such enquiry as he thinks fit.

(3) If, on such enquiry, the Mamlatdar is satisfied that such cultivating tenant was in possession of that land on the 1st April, 1954, and that he was evicted therefrom after that date by the proprietor thereof without any reasonable excuse, he may order the restoration of such land to the cultivating tenant or direct the proprietor to pay such compensation to him as the Mamlatdar may deem appropriate in the circumstances of the case.

(4) Any party aggrieved by the order of the Mamlatdar under sub-section (3) may file an appeal, within thirty days from the date of that order, to the Collector.

(5) The decision of the Mamlatdar where no appeal is filed, and the decision of the Collector where an appeal is filed, shall be final and shall not be questioned in any court of law.

Rights of proprietors and cultivating tenants to hold land as occupants.

8. (1) Every cultivating tenant holding land of which he was in actual possession on the 20th December, 1961, shall, as from the appointed date, be the occupant thereof on payment of land revenue to the Government under section 6,

(2) Every proprietor holding land which he was personally cultivating on the 20th December, 1961, and in respect of which,—

(a) no application has been made under section 7; or

(b) such application having been made, no order of restoration thereon was passed,

shall hold such land as occupant on payment of land revenue to the Government under section 6—

(i) in the case referred to in clause (a), from the 1st January, 1963; and

(ii) in the case referred to in clause (b), from the date such application is finally disposed of.

(3) Every person to whom any land is restored under section 7 shall hold such land as occupant on payment of land revenue to the Government under section 6 from the date such land is ordered to be restored to him under section 7.

9. A proprietor whose rights, title and interest in respect of his lands vest in the Government under section 3 shall be entitled to compensation at the rate of twenty times the annual payment (Contribuicao Predial) which the proprietor was liable to make to the former Portuguese Government in respect thereof immediately before the 20th December, 1961. ^{Compensation to proprietors.}

10. (1) Any person entitled to compensation under section 9 shall, on or before such date as the Administrator may specify in this behalf from time to time by notification in the Official Gazette, make an application to the Collector in the prescribed form for payment of such compensation. ^{Method of payment of compensation.}

(2) On receipt of an application under sub-section (1), the Collector shall, after making such enquiry as he thinks fit, determine the amount of compensation payable to such person:

Provided that where there are more persons than one entitled to such compensation, the Collector shall apportion the compensation among them:

Provided further that in cases of dispute regarding apportionment of compensation among the persons entitled to compensation, the

Collector shall direct them to have their respective share adjudicated upon by a competent civil court and the payment of compensation shall be in accordance with such adjudication.

Payment of compensation.

11. The compensation determined under section 10 shall, after deducting therefrom the amounts, if any, referred to in clause (iii) of section 3, be paid in cash to the person or persons to whom it is payable, but if any such person refuses to accept payment, the amount payable to him shall be deposited by the Collector in a competent civil court.

Proprietors to deliver records to authorised officers.

12. (1) Whenever any officer authorised by the Collector in this behalf so directs, a proprietor shall deliver to him or such other officer as may be specified in the direction, the records relating to the lands or village or villages held by him as proprietor.

(2) If a proprietor fails without reasonable cause to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of continuing failure to deliver any such records, the proprietor shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

Protection of action taken under this Regulation.

13. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Regulation or any rules made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provision contained in this Regulation or any rules made thereunder or by anything in good faith done or intended to be done in pursuance of this Regulation or any rules made thereunder.

Power to remove difficulty.

14. (1) If any difficulty arises in giving effect to the provisions of this Regulation, the Central Government may by order make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) Any order under sub-section (1) may be made so as to be retrospective to any date not earlier than the appointed date.

15. The Administrator may, by notification in the Official Gazette, ^{Power to} ~~make~~ rules, make rules to carry out the purposes of this Regulation.

S. RADHAKRISHNAN,
President.

R. C. S. SARKAR,
Secy. to the Govt. of India.

CORRIGENDUM

In the Gazette of India Extraordinary, Part II, Section 1, dated the 22nd June, 1962, on page 160, in the third line, omit "Rs." appearing for the second time.

